

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO**

November 10, 2009

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:00 PM, Tuesday, November 10, 2009, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Joel Benson, Brett Mitchell, Keith Baker, Duff Lacy, Robert Flint, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Public Works Director Roy Gertson, Police Chief Jimmy Tidwell, Town Planner Shannon Haydin, Town Engineer Rachael Friedman, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer. Trustee Nyberg was absent.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Russell led in the Pledge of Allegiance.

PROCLAMATION – “NATIONAL HOME CARE MONTH”

Mayor Russell read the Proclamation into the record.

AGENDA ADOPTION

Trustee Baker noted that today is the 234 Anniversary of the birth of the US Marine Corp and the next day is Veteran's day.

Motion #1 by Trustee Flint, seconded by Trustee Mitchell, to adopt the agenda as presented.

CONSENT AGENDA

- A. Minutes**
 - 1. Regular Meeting – October 27, 2009
- B. Advisory Board Minutes**
 - 1. Planning & Zoning Commission
 - 2. Airport Board
 - 3. Trails Advisory Board
 - 4. Tree Board

Trustee Baker referenced page 25 and 26 regarding the “financial crisis” and stated he remembered a direct answer was given. Treasurer DeChristopher expressed that a \$150,000 deficit is a crisis. Keith asked about Tree City Status and the signs noted on page 31. Roy Gertson noted the Town did not lose their status, CDOT wanted to relocate our signs off their signs. Keith saw that the next meeting was scheduled for Oct. 1 and asked if it was held. Roy advised it was held.

Trustee Lacy requested that with the gravity of processing for tonight's meeting the airport meetings should be addressed at a later time or another night since he had specific questions to address. Mayor Russell suggested addressing them under Trustee/Staff Interaction.

Motion #2 by Trustee Benson, seconded by Trustee Mitchell, to approve the Consent Agenda as presented. Motion carried. Trustee Flint voted against.

PUBLIC COMMENT

Those wishing to address the airport held their comments for a discussion later in the evening.

OLD BUSINESS

CONTINUATION OF PUBLIC HEARING – Supplemental Appropriation to the 2009 Budget

Mayor Russell opened the Public Comment portion of the hearing at 7:07 PM with no comments received and closed the comment portion of the hearing.

Christine DeChristopher noted this is the same information that was presented at the last meeting. Administrator Boyd expressed that she recommended continuing the hearing due to removing the \$30,000 left over from the runway improvement project, funds would be taken out of the 2009 budget and we contemplated a proposal to use the funds to develop hangar development specifications but a few things became apparent-the FAA did not concur this would be suitable use of the funds and if we resolved it the likelihood of spending it before the new year was "slim to none".

Trustee Benson noted a correction in the 3rd Whereas Clause - having the correct date of October 27, 2009 and the next Whereas should be Resolution 93 and 94 "Series 2008".

- Should the Board approve adoption of Resolution #90, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, ADOPTING AN AMENDED AND SUPPLEMENTAL BUDGET FOR THE TOWN OF BUENA VISTA, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2009 AND ENDING ON THE LAST DAY OF DECEMBER 2009**"?

Motion #3 by Trustee Mitchell, seconded by Trustee Flint, to approve Resolution #90 as amended. Roll call vote: Lacy-aye, Flint-aye, Benson-aye, Mitchell-aye, Baker-aye. Motion carried.

- Should the Board approve adoption of Resolution #91, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, ADOPTING SUPPLEMENTAL APPROPRIATIONS FOR THE TOWN OF BUENA VISTA, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2009 AND ENDING ON THE LAST DAY OF DECEMBER 2009**"?

Discussion held on sales tax incentive rebate (developer makes an agreement with the Town and the Town agrees just like True Value); date in 2nd Whereas Clause should be November 10 and should say "an amended".

Motion #4 by Trustee Flint, seconded by Trustee Mitchell, to approve Resolution #91 as amended. Roll call vote: Baker-aye, Lacy-aye, Mitchell-aye, Flint-aye, Benson-aye. Motion carried.

CONTINUATION OF PUBLIC HEARING – THE TOWN OF BUENA VISTA 2010 BUDGET

Mayor Russell opened the Public Comment portion of the hearing at 7:14 PM.

Dennis Hutton, 729 Marquette Avenue felt that with the economy nationwide and in Buena Vista the Trustees should "not stick out their heads too far on bond issues"; we should show fiscal restraint.

With no other comments received Mayor Russell closed the comment portion of the hearing at 7:16 PM.

Discussion held on \$50,000 for the railroad crossing work (the labor was over \$40,000, the total project is \$100,000 and the railroad is providing materials and installation); it was deemed unsafe and we are obligated to pay the design cost if the project does not proceed; progress on the airport budget (Airport

Board had preliminary meetings with the consultant and we committed to do by the end of 1st Qtr with modifications being brought before the Board before budget adoption.

Motion #5 by Trustee Benson, seconded by Trustee Lacy, to continue the hearing to November 24, 2009. Motion carried.

Should the Board approve adoption of Resolution # 96, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH RTA ARCHITECTS FOR PHASE III CONSTRUCTION TO THE TERMINAL BUILDING AT THE CENTRAL COLORADO REGIONAL AIRPORT**"?

Sue Boyd noted this is a technical amendment, there was an error in the original contract approved by Council, the architectural breakout should be \$18,182 rather than \$10,882, this is the only change and the architect is still working.

Bob Freed, 16875 CR 363, Airport Board, added that the Airport Board feels this is just an error and everything seems to be in order and encouraged Council's approval.

Sue noted on Page 65 Item A should be spelled out to eighteen thousand one hundred eighty-two dollars.

Motion #6 by Trustee Benson, seconded by Trustee Flint, to approve adoption of Resolution #96, Series 2009, as amended. Roll call vote: Benson-aye, Lacy-aye, Mitchell-aye, Baker-aye, Flint-aye. Motion carried.

Should the Board approve adoption of Resolution #97, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA ENGAGING A BOND UNDERWRITER FOR ISSUANCE OF APRIL 2010 BALLOT QUESTIONS**"?

Town Treasurer DeChristopher noted that a bond underwriter provides advice and guidance on both the question of issuing bonds and any related tax questions; they only get paid when bonds are issued. We have proposals from two underwriters who do business in Colorado, staff has not made any recommendation but both are qualified; Stifel Nicolaus will do it for 1% and George K Baum will do it for 9%; George K Baum worked for both School Districts last year and they have experience with Chaffee County. Sue and I interviewed both and their services and approaches were similar.

Discussion held on costs were not included in the draft 2010 budget but are part of the bond; Attorney Phillips worked with both and highly recommended both; having an underwriter that will be as clear as possible given a short time frame.

Motion #7 by Trustee Benson, seconded by Trustee Baker, to approve adoption of Resolution #97, Series 2009 with Stifel Nicolaus. Discussion held on liability to the Town; multiple step process that will follow; having public meetings before the ballot question is set; the Town has put off projects due to lack of funds. Motion carried unanimously.

A recess was taken from 7:38 PM to 7:42 PM.

NEW BUSINESS
PUBLIC HEARING – TO CONSIDER A PETITION FOR ANNEXATION FROM THE MEADOWS AT BUENA VISTA, INC., LONESOME PINE HOLDINGS LLC, JEFFREY AND THERESA ALLEN

Mayor Russell expressed Council has the highest ethical standards for tonight's meeting and asked if any Trustee had a conflict of interest with the applicant or the application as a whole.

Trustee Benson noted he is under contract with a piece of property with Mr. Cogswell and felt he could be fair and impartial.

Mayor Russell asked Council to base their decisions solely on the items presented in the packet and opened the public hearing at 7:45 PM and outlined the hearing process to follow.

Sue Boyd began the discussion on the Petition for Annexation with Annexation and Development Agreement, PUD Zoning and Sketch Plan Development with a Water Service Plan Proposal on a parcel NW of the Town limits that is currently comprised of two residential units with agricultural use on the remainder; the application was submitted on August 17, 2009. Sue outlined the Public Hearing and approval process during 2007; staff has gone through the referral process and weekly meetings with the applicant on issues needed to be addressed before the Public Hearing; P&Z reviewed the application in October, 2009 and recommended approval with conditions; November 3 the Board Of County Commissioners waived the required annexation impact report; P&Z met Nov. 4 to review the Water Service Plan and recommended approval. Sue addressed the criteria for annexation approval per statute and the Town code; the Comp. Plan notes the NW area outside Town needing consideration for annexation and there are three annexations to be considered tonight.

Annexation Agreement: Sue Boyd outlined the following: the document has evolved through negotiations since the original submittal with key points including dedicating trails, parks and open space with a real estate transfer assessment of 1% on the 2nd sale (\$1.5 to \$2 million generated to the Town over 10 years); phase implementation over a 10 year period; protection of community supported agriculture - calls for a change in use of that parcel is subject to Town approval; contributions for additional fire and emergency services and seeking grants for a ladder truck; a plan for a Metropolitan Service District - calls for an opportunity to de-annex if the requirement to provide safe, sufficient and reliable water is not provided in 2 ½ years; the volunteer real estate transfer funds should be limited to the development and some individuals disagreed with that option; the trails easement limits development of Crossman Trail to 6'; as engineering is available it should be reviewed by the Town and we should review all entrances off Crossman Avenue. Issue outstanding language exists for road section diagrams subject to approval at Preliminary Plat and an exhibit is in the document that may pre-obligate the Town to accept non-conforming roads, there is a contemplated Intergovernmental agreement with the County for the Town to address more impacts of development than the ADA currently passes on to the Developer and is still pending negotiation.

PUD Zoning. Town Planner Hayden noted the property is zoned R1 in Chaffee County with surrounding zoning of R1; subject property is 277 acres in size; is a mixed use project with 592 single family units with potential ADU with no cap; 125 senior living units; 717 housing units; 60,000 SF of proposed commercial within the project; net density is 2.59 dwelling units per acre (R1 in Town allows 6 per acre); the applicant is dedicating 110 acres to open space; parcel sizes are 1500 SF to 16,000 SF with the larger parcels on the perimeter; maps were presented outlining the trails throughout the project; uses in the project include agricultural, could be mixed use, residential mixed use, open space for CSA and open space not for CSA. Shannon outlined the criteria for the PUD: does the document comply with the criteria in the code; relationship to the surrounding area for impacts being mitigated; parking; open space reserve requirement; project provides a variety of housing; privacy between dwelling units; set rules for lot area and set-backs to cluster the lots together; identify residential density; permitted uses do not conflict and staff feels they do comply. P&Z recommended approval of the PUD Zoning at their Oct. 21 meeting.

Sketch Plan – sets the stage for future planning and allows the sub-divider and the Town to reach agreements on things proposed for the land. There is criteria in the Code laying out what level of

engineering is required, what needs to be on the map and they have not addressed tree inventory - the applicant is proposing a detailed landscape plan at Preliminary Plat; at Sketch Plan they need a plan on how they will provide the services, staff finds that what they submitted meets the criteria. They are proposing a Metropolitan District and the San. District stated they have capacity to serve the site. Shannon outlined the conditions of approval from P&Z that will be required at Preliminary Plat: final engineering detail on street configuration, drainage, water, etc.; location of flood plain and any impacts; detail park and trail design information; platting for the assisted living facility can be done with Preliminary & Final Plat jointly; master plan for infrastructure and utilities; detailed soils and geotechnical investigation, detailed traffic sign and street lighting plan; plan for non-motorized trail access connections off-site; obtain all wetland and /or clean water at permitting; submit a conditional letter of map revision for flood plain if they make any alternations that meet the criteria for a CLOMR.

Town Engineer Friedman noted a proposed well on Gregg Drive being drawn from the Arkansas River and pumping 17000 ft. along Gregg Drive and then North to the property for distribution and to expand the future service area; the applicant owns surface water rights but will need more engineering detail for water rights demand; installation costs for well, installation lines and water rights are projected at \$3.2 million - staff and Consultants feel this seems low and need more detail; annual water costs for water rights for the residential with annual water use fees and chemical testing costs are estimated at \$200,000 annually.

Water Service Plan: Sue Boyd outlined there are outstanding issues and not sufficient engineering to come to a clear conclusion on all the items; there are concerns on the calculation of demand for water (ADUs were not included in the calculation) and for augmentation water (detail is not sufficient to determine conclusively what the need is); the applicant proposes to acquire water from UAWCD but to firm up the commitment the applicant needs to provide more detail to UAWCD and get an approved agreement so the Town is confident the water is there; we need more evidence of wet water supply from the well; there is concern that the proposal to expand services outside the proposed area could lead to impacts on the Town's water service plan and it needs to be considered before the approval of a final service plan. Staff recommends conditional approval - the applicant cannot submit an application for the district until they receive approval from the Town.

John Cogswell, for the Petitioners, stated the process started in March, 2009; the application incorporated by reference all the previously approved documents; the application has been treated as a new application going through P&Z and now the Board of Trustees; staff supports the application but requested some changes and they have been done and reviewed; asked Council for a good faith and mutual trust and did not want to renegotiate the agreement; asked for acceptance of the documents the way they are; expressed we both need each in the future to undertake the project and does not want to see anything compromise the vision of making it the best project for Buena Vista. John noted there are six (6) zone districts; he is in agreement with the conditions; needs conditional approval of the Service Plan tonight; intends to acquire good engineering to move forward with the water and requested approval of the project, Annexation, PUD, Sketch and Service Plan with the documents as presented.

David Lynch, 15264 CR 350, addressed the agricultural component; noted he brought Guide Stone Farm to Buena Vista by invitation from John Cogswell; it's purpose is to serve the Cottonwood Meadows and he wanted an opportunity to be part of an innovative development to provide a food source to the Town and the valley and there are now three - Cottonwood Creek Dairy, CSA Vegetable Garden and Colorado Grown. David outlined some of the services provided by Guide Stone Farm; there is an increase in production and they now have two farmers markets in the valley; without the project the farm would not

be here; it offers a sense of place, fosters smart growth that provides community service and open space and encouraged Council to support the annexation.

Jeff Allen, 224 Neighbors Lane, was present as an interested citizen and owns a house east of the meadow; does not gain his livelihood from the Meadows but has a financial interest in the project; supports the annexation; noted there is a wide range of overlapping mutual interest between John and the Town; there is a win-win for everyone with the project; asked for cooperation to find the common ground; supported John's character as he is fair and thoughtful; confident the engineering can be worked through and requested support from Council.

Syd Sharon, 15990 CR 162, urged Council to approve the plan and stand behind their decision in weeks to come; inform the community on their decision; this is the last opportunity for Council to have a say on what happens to the property; this plan is special and urged approval of the annexation.

Bill Lindsay, 30245 CR 352B, referred to a hot springs project outside town that went bad with several individuals who are not unemployed and would like to work on the Meadows project and asked Council to "start helping the people".

Karen Lacy, 118 Dreamcatcher, expressed the project is close to her heart; noted the importance of growing food locally since we live in a town where we are not close to services and if we lose it "where are we going to get our food"; asked Council to realize where we are as a human being and go to the spirit level; make things happen by putting it in our thought process. Karen has volunteered time at the farm and had seniors ask about signing up for the assisted living and noted John's compassion

Paul Ahrens, 106 Shady Lane, is not opposed to the annexation but opposed to details on the water as noted in his four letters submitted to Council. The petition addressed cash in lieu where receipt of funds may not come; has not seen anything in writing stating the Town can't provide the water; felt the Town "should be one" and has one water system that is capable right now; asked if disconnection is a viable option; a lot of stuff is conceptual on the water and we are hoping the details work out later somehow and suggested that this formula is not one that generates success.

Carlo Boyd, 29320 CR 361, opposed to the project and has experience on water and construction; asked previously that Council not support Nestle coming to Town; felt Trustee Baker would double his business, Trustee Lacy would get more auto work and Trustee Mitchell would get commissions on what he sells; feels the Town is going backwards and noted some downtown businesses that are abandoned; expressed other projects to work on that were a higher priority such as teaming up with Nestle and bottling water or a light rail from Salida to Buena Vista and believes there are technical flaws in the project.

Jeff Dunn, 233 N. Sangre De Cristo, felt the project has merit but asked the Trustees in doing their job to not be swayed by the amount of work and meetings; "you have a responsibility to take a look at what is in the best interest of the Town and to follow regulations" and asked they take care of the six issues before the annexation is approved.

Ellen Larson, CR 354A, passionate for the project and is "pro" agriculture; her concern is on the amount of density; supports the people who worked the farm; asked Council to preserve the character of the Town; wants to see the rural community thrive and grow; "trusting in the Trustees"; asked what are we going to be losing; would rather live at a "lower financial level" to keep the Town intact.

Dennis Hutton, 729 Marquette Avenue, felt the project seems like a great concept except for the water; noted the cost for the proposed water service plan; reminded everyone S. Main is in trouble and the restrooms are not built yet; noted the number of business buildings that are vacant; felt we're making two towns out of this; Council has looked at the water twice but have to be responsible for which way the Town goes on the water and asked them to protect the Town.

Mayor Russell read an email into the record from Lee Truitt in opposition to the project and felt the citizens should be allowed to vote on the project.

John Cogswell noted there is one common feature for those against the project...they asked the Trustees to look further into their decision and he felt the Trustees will do that; noted Chaffee County is 90% open federal land and are trying to "accordion" the project, you cannot restrict population growth; if the water service plan is not forthcoming there is a disconnection and it reduces all the controversy on the water; Paul Ahrens's comments remain there for when the service plan comes back for unconditional approval.

Mayor Russell read a letter from Frank & Sue Snively concerning affordable housing into the record.

Attorney Phillips noted the four actions items and outlined the statute and Municipal Annexation Act of 1965. Mayor Russell stated Council is working toward a win-win situation and the assurance to protect the Town present and future; appreciated the work of staff to move all the moving parts for consideration tonight; noted previous Councils could have spent a little more time on some agreements they approved so this Council's job would be easier now.

Discussion followed on real estate transfer taxes and funds generated would be expended within the development; precedence on de-annexation; no commitment on the 115 taps being utilized in the senior housing component; the 123 taps would be provided water from the Town Supply and not within the Service District; traffic being analyzed at each phase; senior housing will be one lot; the 135th lot on page 8 of ADA and phasing of construction may change and the developer not updating the traffic analysis at each phase; page 10 and 11 and specificity on access is at "developer's cost" (John will have an access point and making reasonable access points available but not adding at developer's cost); (d) on page 11 and the County feels it is the Town's responsibility; Item (e) hiring transportation consultants and committing to it (LSC has already done a lot of the work) page 12 – change language to "the Town and developer further agree that the Town plans to hire a transportation consultant acceptable to the Developer..."; getting a well permit on the Arkansas river is granted by the State Engineer Office if there is an augmentation plan to make up depletions caused to the Arkansas River by that well and they are planning on doing this with UAWCD who has a few approved augmentation plans - if they don't proceed with a contract with UAWCD one condition is that they have other water rights available and if that is the road they take Council needs to assure themselves the other water rights are available at the amounts, quantities and locations they want to use and requiring their own water court case to protect the Town's rights; night sky compliance; unreasonably withholding approvals; RETA funds being utilized for civic sites/public amenities, open space, trails and park development and maintenance on the property ("maintenance thereof including the amphitheatre"); on page 13/17 change the last line of (c) to "the form of the Declaration of the Covenant shall be approved by the Town at the time of the first residential plat"; page 15/19 bottom turn it over to the HOA; Item 8 (c) "as long as " the Town provides fire protection; page 19/23 we have no in-house geotechnical, after March 27, 2006, add "the town will use in-house professional services where possible"; Exhibit B Trail Easement (1) "shall never exceed six feet" and change it to "developer shall never be required to develop the Crossman Trail to exceed six (6) feet"; Exhibit 25 and not supporting any roads less than 18' (road widths were designed based on smart code projects) and not accepting road sections until Preliminary Plat – Exhibit 25 is referenced in the ADA; in

order for developer to submit engineering detail; if and when the Service Plan is approved the petitioner takes it to the District Board, gets an order for election and the Court enters a decree creating a Special District, once the District is created it exists in perpetuity until dissolved.

- Should the Board approve adoption of Resolution #98, Series of 2009, entitled "AN RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO. CONCERNING THE VILLAGES AT COTTONWOOD MEADOWS, SERIAL ANNEXATION TO THE TOWN OF BUENA VISTA"?

Motion #8 by Trustee Mitchell, seconded by Trustee Baker, to approve Resolution #98, series 2009. Motion carried unanimously.

- Should the Board approve adoption of Ordinance #8, Series of 2009, entitled "AN ORDINANCE OF THE TOWN OF BUENA VISTA ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO, BY SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE VILLAGES AT COTTONWOOD MEADOWS, ANNEXATION PARCELS 1A AND 1B"?

Resolution #98 should be inserted in 5th Whereas Clause. Page 5 of ADA, should be Ordinance #8, and top of page 6 will be Ord. #9 & 10.

Motion #9 by Trustee Mitchell, seconded by Trustee Flint, to approve Ord. #8 with the amendments to the ADA as detailed in the discussion. Motion carried unanimously.

- Should the Board approve adoption of Ordinance #9, Series of 2009, entitled "AN ORDINANCE OF THE TOWN OF BUENA VISTA ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO, BY SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE VILLAGES AT COTTONWOOD MEADOWS, ANNEXATION PARCEL 2"?

Motion #10 by Trustee Mitchell, seconded by Trustee Lacy, to approve Ordinance #9, series 2009. Motion carried unanimously.

- Should the Board approve adoption of Ordinance #10, Series of 2009, entitled "AN ORDINANCE OF THE TOWN OF BUENA VISTA ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO, BY SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE VILLAGES AT COTTONWOOD MEADOWS, ANNEXATION PARCEL 3"?

Motion #11 by Trustee Baker, seconded by Trustee Mitchell, to approve Ordinance #9, Series 2009. Motion carried unanimously.

A recess was taken from 11:13 PM to 11:21 PM.

PUBLIC HEARING – TO CONSIDER A REQUEST FOR SKETCH PLAN, DEVELOPMENT PLAN AND PUD ZONING FOR A MAJOR SUBDIVISION, THE MEADOWS AT BUENA VISTA, INC., LONESOME PINE HOLDINGS LLC, JEFFREY AND THERESA ALLEN, APPLICANTS

All information that was adduced at the Public Hearing for the Annexation will be adduced into the record.

Mayor Russell opened the public comment portion of the hearing at 11:23 PM with none received and closed the public comment portion of the hearing.

Discussion held on page 44 and the table and insert in the regulating code "road dimensions set forth on page 44 table will be modified to meet as necessary to meet safety requirements" on page 43 at end of (1) end of paragraph one. Discussion continued on recommendations from P&Z are incorporated.

- Should the Board approve adoption of Ordinance #11, Series of 2009, entitled "**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE PUD DEVELOPMENT PLAN AND REGULATING CODE FOR THE VILLAGES AT COTTONWOOD MEADOWS**"?

Motion #12 by Trustee Baker, seconded by Trustee Mitchell, to approve ordinance #11, Series 2009. Series 2009. Motion carried unanimously.

- Should the Board approve adoption of Resolution #99, Series of 2009, entitled "**A RESOLUTION OF THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE SKETCH PLAN FOR THE VILLAGES AT COTTONWOOD MEADOWS**"?

Intent was none of the conditions and recommendation for motion to approve resolution with conditions listed by P&Z Commission to be addressed at Preliminary Plat stage.

Motion #13 by Trustee Baker, seconded by Trustee Flint, to approve Resolution #99, Series 2009, with conditions listed by P&Z Commission to be addressed at Preliminary Plat stage. Motion carried.

PUBLIC HEARING – TO CONSIDER A REQUEST FOR ORGANIZATION OF A SPECIAL DISTRICT FOR THE COTTONWOOD MEADOWS METROPOLITAN DISTRICT

Mayor Russell opened the public hearing at 11:30 PM, outlined the hearing process to follow and noted much of the testimony was presented earlier this evening and that information will be adduced into the record.

John Cogswell consented to all his comments being submitted into the record.

Paul Ahrens, 106 Shady Lane, noted water service is not available on the property because it is not hooked onto the property; the Special District has to be in the special interest of the Town and finds to form a Special District in the Town isn't in the best interest; water being brought to the Town or cash-in-lieu are more in the best interest rather than forming a special district; finds it interesting that nothing would move forward without any loose ends hanging out and we're not at that place; approving conceptually and working out details later is not a formula for success as it almost always ends with headaches that are not desired.

John Cogswell disagreed with Mr. Ahrens' comments.

With no other comments received, Mayor Russell closed the public comment portion of the hearing at 11:37 PM and solicited staff comments.

Cyndi Covell noted when we got the 1983 Water Court Application it envisioned our water service area and was planning for growth and expansion; our original planning did not plan for this type of situation.

Discussion followed on the District could provide water service to properties not being served by Town services; the Service Plan in the packet is the wrong version and Cyndi Covell outlined the changes and recommended approving the form of the Service Plan.

- Should the Board approve adoption of Resolution #100, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA CONDITIONALLY APPROVING THE SERVICE PLAN SUBMITTED FOR THE ORGANIZATION OF THE PROPOSED COTTONWOOD MEADOWS METROPOLITAN DISTRICT**"?

Motion #14 by Trustee Mitchell, seconded by Trustee Baker, to approve Resolution #100, Series 2009. Motion carried.

STAFF REPORTS

TOWN ADMINISTRATOR:

Administrator Boyd had the following items to cover:

- November 18 there is a public meeting at 6:30 PM in this room for a community conversation regarding the Energy Plan.
- We need to set a date for the community meetings possibly December 1. Will be at 6 PM and one earlier in the day.

TOWN TREASURER

- Trustee Lacy asked about a facility for training as Pete is retiring.

PUBLIC WORKS DEPARTMENT

- Public works is gearing up for Christmas Card Lane and DOC is scheduled to help.
- Trustee Baker noted they did the pedestrian crossing at High Country today.

TRUSTEE/STAFF INTERACTION

- Mayor Russell attended CML Policy meeting and will put copies of information in the boxes at Town Hall along with information on the recent elections.

ADJOURNMENT

Motion #15 by Trustee Baker, seconded by Trustee Mitchell, noting that there being no further business to come before the Board declared that the meeting be adjourned at 12:05 AM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer